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LETTER DATED 24 JUNE 1996 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report which the Security Council requested from me in the statement by the President of the Council (S/PRST/1996/28) of 14 June 1996. The report sets out the mandate given me by the Council in the statement. It then briefly describes my mission to Baghdad, pursuant to that mandate, the discussions which took place there with leading members of the Government and the outcome of my mission.

(Signed) Rolf EKÉUS
Executive Chairman

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Annex

Report of the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on his mission to Baghdad, 19-22 June 1996

Introduction

1. At the 3674th meeting of the Security Council, on 14 June 1996, the President of the Council made a statement (S/PRST/1996/28) on behalf of the Council in which the Council requested:

> "... the Chairman of the Special Commission to visit Baghdad as soon as possible with a view to securing immediate, unconditional and unrestricted access to all sites which the Special Commission wishes to inspect, and to engage in a forward-looking dialogue on other issues under the Commission's mandate. It further requests the Chairman to report immediately afterwards on the results of his visit and on the impact of Iraqi policies on the mandate and work of the Special Commission."

2. That statement was a follow-up to Security Council resolution 1060 (1996) of 12 June 1996, adopted unanimously following on Iraq's refusal to allow a Commission inspection team access to certain sites designated by the Commission for inspection. Further refusals of access occurred on the day following the adoption of that resolution, resulting in the statement by the President of the Council referred to above. In both the resolution and the statement the Council demanded that Iraq comply with the relevant Security Council resolutions and, in particular, allow the Commission's inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wished to inspect.

3. Pursuant to the instructions of the Security Council, the Executive Chairman of the Special Commission left New York on 17 June for Baghdad, via Bahrain. He was accompanied by Messrs John Scott and Ewen Buchanan and Ms. Olivia Platon of his office. The team was joined in Bahrain by Mr. Nikita Smidovich, Deputy Chief of Operations of the Commission, and in Baghdad by Mr. Goran Wallen, Director of the Commission's Baghdad Monitoring and Verification Centre. The Executive Chairman and his Headquarters team arrived in Baghdad on 19 June and left on 22 June, upon completion of the mission.

4. During the time spent in Baghdad, three plenary meetings were held with the representatives of Iraq; the Executive Chairman met three times privately with the Deputy Prime Minister, Mr. Tariq Aziz; and three sessions of working groups were held. The meetings and sessions were of a lengthy character, running in each case from two to three or more hours.

Discussions

5. In the evening of 19 June, a plenary meeting was held at the Ministry of Foreign Affairs in Baghdad. The delegation of Iraq was headed by Mr. Tariq Aziz, Deputy Prime Minister, and included Gen. Amer Mohammed Rashid al Ubeidi, Minister of Oil; Gen. Amer Al Sa'adi Senior Adviser in the Office of the President; Mr. Abdul Majid Dhaif, Director of the Military Industrialization Corporation; Dr. Riyadh Al-Qaysi, Under-Secretary, Foreign Ministry; Brigadier-General Hossam Amin, Director of Iraq's National Monitoring Directorate; and various other members of the Ministry of Foreign Affairs, the Military Industrialization Corporation and the National Monitoring Directorate. Opening presentations were made by the Executive Chairman and the Deputy Prime Minister.

6. The Executive Chairman stated that his mandate required him to obtain from Iraq the assurances regarding access demanded by the Council and also to engage in a forward-looking dialogue on other issues. He hoped that the dialogue would result in a joint programme of action and that the issue of access would be dealt with in tandem with the contents of the programme of action devoted to the future. If both sides adopted a positive approach towards the discussions, it should be possible to achieve favourable results. The Deputy Prime Minister stated that Iraq would continue to cooperate with the Special Commission but, at the present time, a crisis of confidence existed. Iraq was seriously concerned that the sites, recently designated for inspection by the Special Commission, involved issues of Iraq's sovereignty and national security. Sovereignty and security must be safeguarded before access to sites such as ministries, sites of State security and some military sites would be granted. To that end the Deputy Prime Minister had made proposals to settle the matter once and for all in his letter of 14 June 1996 to the Executive Chairman. He was prepared to discuss the matter further with the Executive Chairman and to examine proposals for a joint programme of action.

7. It was agreed to meet again in plenary session the following morning, 20 June 1996, at the headquarters of the Military Industrialization Corporation, to discuss the more technical aspects of matters to be considered for inclusion in the programme of action. The delegation of Iraq was led on this occasion by General Amer Rashid al Ubeidi. The discussion resulted in an agreement that the Executive Chairman should prepare and submit the draft of a joint programme of action.

8. On the evening of 20 June, the Executive Chairman had a private meeting with Mr. Tariq Aziz, during which they conducted a detailed review of the situation and the consequences for Iraq if the current discussions failed to yield a positive result. The meeting was resumed on the morning of 21 June, at which time the Executive Chairman handed over the text of a possible joint statement on the issue of access. At that time the Deputy Prime Minister made preliminary remarks on the draft, indicating that it was unacceptable because of certain formulations in it.

9. At a further plenary meeting during the evening of 21 June, at which Mr. Tariq Aziz again led the Iraqi delegation and which was this time joined by Mr. Mohammed Saeed Al-Sahaf, the Foreign Minister of Iraq, the draft programme of action submitted the previous evening by the Executive Chairman and a

counter-proposal of Iraq were discussed. The Executive Chairman also provided the Deputy Prime Minister with a further draft of a joint statement which he believed would resolve the difficulties which the latter had indicated earlier in the day. The Deputy Prime Minister undertook to give the text consideration.

10. At the conclusion of the evening meeting, restricted groups from both sides met to review the drafts on the joint programme of action and examine Iraq's concerns regarding inspections at sites which it considered to involve the issue of sovereignty and national security. Having reviewed these concerns, the Executive Chairman informed the Deputy Prime Minister that he believed they could be met by the Executive Chairman issuing modalities for the inspection of such sites - very limited in number - which would be conducted under special procedures which would take account of Iraq's legitimate concerns regarding its security and achieve the objectives of the inspection, while fully safeguarding the rights and the status, privileges and immunities of the Special Commission. The Deputy Prime Minister expressed his appreciation of this approach.

11. During the morning and early afternoon of 22 June, a working group from both sides met on outstanding issues. The results are described below.

Results of the mission to Baghdad

Joint programme of action

12. The working group reached agreement on the joint programme of action. The joint programme records Iraq's intention to submit, before the end of June 1996, its official declarations containing full final and complete disclosures on its proscribed programmes in the non-nuclear areas. Iraq handed over its disclosures in the biological and chemical areas immediately prior to the Executive Chairman's departure from Baghdad. The joint programme also indicates the measures to be taken by the Commission in verifying the declarations. It also indicates steps to be taken to enhance confidence-building on both sides. It identifies certain fundamental areas on which the Special Commission and Iraq will concentrate as a priority to accelerate verification. Finally, the joint programme contains the agreement of both sides to conduct meetings at the political level every two months to devote attention to fundamental issues, review progress and direct further efforts. The programme concludes with the Commission's undertaking to report to the Security Council on a regular basis on the progress achieved in the implementation of the programme.

Joint statement

13. In the course of the meeting of the working group on 22 June, Mr. Tariq Aziz announced that, subject to a few drafting changes, the Government of Iraq had agreed to the text of the joint statement which the Executive Chairman had proposed to the Deputy Prime Minister the previous day. The drafting changes were acceptable to the Executive Chairman and, after preparation of a final text, the joint statement was signed by the Deputy Prime Minister and the Executive Chairman. It reads as follows:

"Joint statement

"The dialogue held in Baghdad from 19 to 22 June 1996 between the Deputy Prime Minister of Iraq and the Executive Chairman of the Special Commission resulted in the following statement for inclusion in the report of the Executive Chairman to the Security Council:

"'The Government of Iraq reiterated its commitment to continue its cooperation with the Special Commission and the International Atomic Energy Agency (IAEA) in carrying out its obligations in accordance with Security Council resolution 687 (1991) and other relevant resolutions and undertook to secure their immediate,unconditional and unrestricted access to all sites which the Commission or the IAEA may wish to inspect. Being guided by the commitment of States Members of the United Nations to the sovereignty, territorial integrity and independence of Iraq, the Special Commission undertook that, in carrying out its mandate and exercising its rights under the relevant Security Council resolutions, it would operate with full respect for the legitimate security concerns of Iraq.

"'Iraq and the Commission agreed to intensify their work with the aim of making it possible for the Commission to report as soon as possible to the Security Council that Iraq has met its obligations under section C of resolution 687 (1991) as stated in paragraph 22 of that resolution. To achieve that end, Iraq and the Special Commission further agreed to conduct regular meetings at the political level every two months in Baghdad to devote attention to fundamental issues, review the progress and direct any further effort necessary to achieve the aforementioned objective.

"'In furtherance of a forward-looking dialogue, the Deputy Prime Minister of Iraq and the Executive Chairman of the Special Commission agreed on a joint programme of action.'

"'(Signed) Tariq AZIZ
Deputy Prime Minister
Republic of Iraq

"'(Signed) Rolf EKÉUS
Executive Chairman
of the Special Commission

Baghdad, 22 June 1996.'"

Conclusions

14. The joint statement provides the assurances on the access to sites sought by the Security Council in the mandate which it gave to the Executive Chairman in the statement by the President of the Council of 14 June 1996 (S/PRST/1996/28). Had the Executive Chairman's mission not yielded positive results, the possibility of the Commission reporting to the Security Council that Iraq was in compliance with its obligations under section C of Security Council resolution 687 (1991) would have been indefinitely delayed. Likewise, the Executive Chairman believes, as he explained to the Deputy Prime Minister, that Iraq's isolation would have increased and there would have been the possibility of further actions being taken by the Council to obtain compliance with its resolutions. Without the right to inspect any site at which the

Commission had reason to believe that proscribed weapons or materials were present, the Commission's utility in achieving the Council's objectives would have been irreparably harmed. It is the intention to pursue a vigorous inspection programme in the immediate future which will permit the early ascertainment of the Government's commitment to the implementation of its unambiguous pledge in the joint statement. The results achieved at the end of the mission, if followed through in practice, should expedite the Commission's work considerably and thus bring closer the time when the Commission can report that Iraq has taken the steps required of it to fulfil its obligations under section C of resolution 687 (1991).